



Kalamazoo River
Protection Association

KALAMAZOO RIVER
PROTECTION ASSOCIATION
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November 10, 1994

11/10/94
149786
~~Site #18, 132 West South Street
Kalamazoo, Michigan 49007~~

Mr. Scott Cornelius, Project Manager
Superfund Section
Michigan Department of Natural Resources
P. O. Box 30426
Lansing, Michigan 48909

RE: Comments on the Proposed Plan for King Hwy. Landfill
Operable Unit as a part of the Allied Paper,
Inc./Portage Creek/Kalamazoo River Superfund Site

Dear Mr. Cornelius:

Please accept the following comments on behalf of the Kalamazoo River Protection Association (KRPA) regarding the King Hwy Landfill Operable Unit (KHL-OU). As you know, the KRPA, has over 200 dues paying members and almost 20 years of citizen effort directed towards cleaning up the PCBs in the River systems from the City of Kalamazoo to Lake Michigan. Before addressing the specific comments on the Proposed Plan I believe it is important to address some of the major procedural problems involving serious omissions on the part the MDNR.

PROCEDURAL DUE PROCESS CONCERNS

I appreciate the fact that you have extended the public comment period, however unfortunately, the MDNR went ahead and held the hearing on September 14, 1994 without first providing the public with reasonable time to review the Alternatives Array Document, the Risk Assessment, or the Focused Feasibility Study (FFS). In fact the FFS was only available for a couple of days before the hearing. A meeting to discuss the FFS along with a comment period should have occurred before the Public Hearing on the Proposed Alternative Plan. The KRPA has frequently recommended that the meetings be scheduled after the documents have been released. In this case the MDNR set the date for the hearing without having the FFS completed. I believe that the proposed plan should not have been released for public comment until the public has been given adequate time to review and make comments. In other words, a period of no less than 30 days should be allowed from the issuance of the FFS for the public review and then followed by notice of the selection of the proposed plan after a 30 day public comment period on the FFS. (After all, isn't the proposed plan supposed to be based on a careful analysis of the FFS?).

The KRPA is appalled at the process being used to reach a decision concerning remediation of this site. It is apparent that the MDNR has decided that capping is the only viable way to remediate this site. This decision appears to have been made well in advance of the completion of the RI/FS process. The date of the release of the Proposed Plan Fact Sheet was only a few days before the Hearing, hardly enough time for adequate review of the FFS and or the Proposed Plan Fact Sheet mailed out only a few days before the hearing. This is backwards. What is the point of even doing a Feasibility Study if you have already decided on the remedial action?

First some history. As you know, the King Hwy. Landfill contains some 76,000 cubic yards of highly toxic PCB waste that was placed there approximately a decade or more prior to the MDNR's granting of a Landfill license to Georgia Pacific in 1983. In the early and mid 1980's, the KRPA questioned the MDNR's judgment regarding licensing the placement of non-toxic waste over heavily contaminated waste. The KRPA was advised by MDNR officials that if the levels of PCBs were high, (some as high as 310 parts per million) the site would have to be remediated and that there was a strong possibility that the waste would have to be placed in a TSCA approved licensed landfill facility or another appropriate site. The site was placed on the 307 list as well.

Georgia Pacific and the MDNR knew of the risks by the mid 1980's. Yet, the MDNR agreed to allow Georgia Pacific to cover up the 76,000 cubic yards with over 200,000 yards of paper waste beginning in 1987. Why was that allowed? Certainly, the Environment Response Division of the MDNR knew of the potential problems at this site, even given the existing data available at the time.

NEED FOR FURTHER INVESTIGATIONS AND ENVIRONMENTAL ASSESSMENT RELATING TO POTENTIAL GROUND WATER CONTAMINATION

Our consultant, Donald Hughes, has discovered that there is a serious flaw in the groundwater data for this site. The reports issued for this site indicate that PCBs were not detected in the groundwater under the site. However, the detection limit used for PCBs in the groundwater was unusually high (about 1.0 $\mu\text{g/L}$). In comparison, the MDNR's target detection limit for PCBs in groundwater is 0.2 $\mu\text{g/L}$, five times lower. The high detection limit for PCBs in groundwater is particularly puzzling given the fact the PRP's consultant has reported PCB concentrations in surface water of 0.026 $\mu\text{g/L}$. Obviously low detection limits for analysis of PCBs in aqueous samples is technically feasible. Because of the high detection limit, there is no way to determine if the site

groundwater exceeds the MDNR cleanup goals under a Type B or C criteria. Further, as you know, PCBs were found in ground water at the A Site which has similar levels of PCBs in the waste at King Hwy site.
which has

We urge the MDNR to order another round of groundwater sampling for PCBs, with a maximum detection limit specified at 0.2 $\mu\text{g/L}$ (although a lower detection limit would certainly be preferable). This is the only way to determine if the site groundwater currently meets the Act 307 cleanup standards under type A or B. The PRP(s) need to complete the additional round of groundwater sampling. Once the additional testing is completed, all parties concerned will have a more informed basis for selecting the best alternative to remediate the site.

REGARDING THE SELECTED ALTERNATIVE

The KRPA believes that the MDNR selection of Alternative 1 as the preferred alternative for remediating the KHL-OU is inappropriate and does not satisfy the minimal requirements of the Evaluation Criteria guidelines adopted by the United States Environmental Protection Agency nor meet the standards under P. A. Act 307 (Michigan Environmental Response Act).

The proposal for Landfill Closure (containment and capping in accordance with Act 641) has been selected as the choice to remediate the site). This process would be required to close the landfill site anyway. To suggest that this amounts to cleanup is misleading. Unfortunately, the MDNR has selected a plan that mirrors the Act 641 cap, but not certainly does not meet the full construction requirements for full compliance with Act 641.

It is also apparent to the KRPA, based on review of the available documents, that cleanup criteria have, in fact, not been established for this site.

The KRPA believes that the following alternative should be considered as the best alternative and will provide a more sound and longterm environmental solution to the toxic waste at the KHL-OU site.

(1) The 76,000 pounds of toxic waste contaminated with PCBs above 10 parts need to be removed from the site and disposed of in an appropriate licensed facility. If the levels exceed 50 ppm the waste needs to go to an approved facility under the Toxic Substance Control Act (TSCA).

(2) The PCBs remaining at the site between 2- 10 parts per million need to be placed in a newly constructed 641 (using current state of the art construction) landfill. That presumably could be accomplished at the existing 20+ acre site. Once the waste is placed in this newly constructed 641 type vault, there would be the continuing need for longterm monitoring

(3) The proposed gabion wall along the river bank is not adequate. It is a short term solution. The KRPA believes that as part of the final alternative selected that a steel seawall constructed of materials of at least a 500 years span of permanence be required and that there be placed at least a 50 foot wide clay barrier between the land fill and the river. The proposed reinforcement under Alternative 1 selected by the MDNR is simply not adequate in the long term.

(4) The area in cell four and the area immediately west and adjacent to the site, the King Hwy storm sewer is as we understand it all part of the KHL-OU site and needs to be included in the remedial action.

EVALUATION CRITERIA

(1) The protection of Human Health and the Environment will not be accomplished under alternative 1. Obviously, more groundwater testing needs to be undertaken. Further, it makes no sense in the long term to ignore potential groundwater contamination problems at this site. There is not a sufficient barrier between bottom of the residuals and the groundwater. Also, it is necessary to provide the barriers between to landfill and the river to provide assurances that no further erosion will take place. Obviously, if the selected alternative providing for removal discussed above is the final choice this concerns will be reduced significantly.

(2) Selected alternative 1 does not comply with ARARs under Act 307 and the interpretation of 40 CFR 761 is not satisfactory.

(3) Long term effectiveness and Permanence. PCBs are more likely not to breakdown at the KHL-OU site as quickly as the paper related waste that the PCBs are bonded in part to. At a minimum site remediation should be viewed within a 500 year plan and not the 30 years often mentioned by the MDNR and the PRP's.

(4) Alternative 1 does not address the complete reduction of mobility and/or toxicity.

(5) Short term effectiveness is rated as high as it is expected that the site can be capped and the river bluff stabilized. However, this site could be cleaned up as the KRPA recommends in its alternative within a reasonable time as well.

(6) Implementability of the KRPA alternative is feasible both technically and administratively.

(7) Cost of the KRPA alternative is likely to be in the range of 20-25 million, if the 200,000 yards of waste is placed within a newly constructed type 641 landfill and not just the cap. Further, additional paper waste could be placed at the site once the approximately 76,000 yards are removed.


(8) MDNR acceptance of the KRPA's alternative is unknown.

(9) Community Acceptance. The KRPA believes that the MDNR's selection of Alternative 1 will not find strong support in the environmental community. The KRPA with its substantial membership believes that alternative one, should it be the final selected alternative, will establish a dangerous precedent for other sites that have similar fact patterns. The end result, will be an inadequate cleanup.

In conclusion, Georgia-Pacific Corporation has benefitted greatly financially from using the KHL-OU site for disposal of its waste containing PCBs and the use of the Kalamazoo River as well. To only require a mere 641 landfill type cap and to call this the kickoff to cleaning up the River is simply irresponsible and sends a weak message of commitment to the citizens in the Kalamazoo River basin and beyond, on the part of the MDNR. The KRPA expects that the laws designed to protect human health and the environment will be reasonably implemented by our governmental agencies.

On behalf of the KRPA, I appreciate this opportunity to comment and look forward to a meaningful resolution to this site. We trust that you will take these comments seriously and in a timely manner.

Sincerely yours,



Dayle L. Harrison, President, KRPA

cc: Ms. Torus VanDonsel
KRPA board